

1 STEVEN W. MYHRE  
2 Acting United States Attorney  
3 Nevada Bar No. 9635  
4 CHRISTOPHER BURTON  
5 Assistant United States Attorney  
6 Nevada Bar No. 12940  
7 District of Nevada  
8 501 Las Vegas Blvd. South, Suite 1100  
9 Las Vegas, Nevada 89101  
10 (702) 388-6336  
11 [Christopher.Burton4@usdoj.gov](mailto:Christopher.Burton4@usdoj.gov)

12 *Representing the United States of America*

13  
14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 United States of America,

17 Plaintiff,

18 v.

19 MAURICE RASHADD FITZGERALD,

20 Defendant.

21 Case No. 2:17-mj-918-GWF

22 **STIPULATION TO CONTINUE PRELIMINARY HEARING**

23 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,  
24 Acting United States Attorney, and Christopher Burton, Assistant United States Attorney,  
25 counsel for the United States of America; Rebecca Levy, counsel for Defendant Maurice Rashadd  
26 Fitzgerald, that the preliminary hearing for the above-captioned matter, currently scheduled for  
27 October 16, 2017, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient  
28 for this Court, but in no event earlier than thirty (30) days.

1       This stipulation is entered for the following reasons:

2       1.       The parties require additional time to discuss the potential for a pre-Indictment  
3       negotiation.

4       2.       The Defendant is in custody, but does not object to the continuance.

5       3.       The parties need additional time to prepare in advance of any preliminary hearing,  
6       taking into account due diligence.

7       4.       Denial of this request for continuance of the preliminary hearing would potentially  
8       prejudice both the Defendant and the Government and unnecessarily consume this Court's  
9       valuable resources.

10       5.       Additionally, denial of this request for continuance could result in a miscarriage  
11       of justice.

12       6.       The additional time requested by this stipulation is excludable in computing the  
13       time within which the defendant must be indicted and the trial herein must commence pursuant  
14       to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under  
15       18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

16       7.       This is the first request for a continuance of the preliminary hearing herein.

17       DATED: October 12, 2017.

18       \_\_\_\_\_  
19       /s/  
20       CHRISTOPHER BURTON  
21       Assistant United States Attorney  
22       Counsel for the United States

18       \_\_\_\_\_  
19       /s/  
20       REBECCA LEVY, ESQ.  
21       Counsel for Defendant FITZGERALD

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, ) 2:17-mj-918-GWF  
Plaintiff, )  
v. ) ORDER CONTINUING  
MAURICE RASHADD FITZGERALD, ) PRELIMINARY HEARING  
Defendants. )

## **ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS  
HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently  
scheduled for October 16, 2017, at the hour of 4:00 p.m., be vacated and continued to  
November 16, 2017 at the hour of 4:00 p m.

Dated: 10/13/2017

George Foley Jr.  
UNITED STATES MAGISTRATE JUDGE